GOVERNMENT OF ANDHRA PRADE
ABSTRACT

Public Servants - State Tax Department - Allegation of possession of Disproportionate assets to known sources of income against Sri Koruprolu Murali Krishna, S/o Manikyam, DCTO., Kavali Circle and In-charge CTO, Kavali Circle, Nellore Division, SPSR Nellore District - Final Report of the D.G., A. C.B received - Further action dropped in the disproportionate assets case (i.e, criminal case) - Orders - Issued.

REVENUE (VIG.VI) DEPARTMENT

G.ORt.No.573 **Date: 13.06.2023**

Read the following:

1. From the DG,ACB, No.78/RCT-NNL/2016, Dated:28.03.2016
2. G.O.Ms.No.326, Revenue (Vig.II) Dept, Dated:25-06-2018.
3. From the DG., ACB., Re.No.129/RCA-NNL/2016, Dt: 17.11.2022

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ORDER:-

Whereas, in the reference 1st read above, the DG., ACB, Vijayawada has informed that on 22.10.2016, simultaneous searches were conducted at the residential premises of A.O. located at flat No. 303, G.G Amrutha Residency, Pulipakavari street, Nazarpet, Tenali, Guntur District, and other places in pursuance of search warrants issued by the Hon'ble Special Judge for SPE & ACB cases, Nellore, and U/S 165 CR.P.C. During the searches, several incriminating documents relating to the assets owned by Sri Koruprolu Murali Krishna, as well as his family members and associates, were seized, The seized items include two flats, seven plots, 1.50 acres of dry land with four poultry farms, all valued at Rs. 96,08,100/- in Visakhapatnam District. Additionally, a Tata Vista four-wheeler and two motorcycles worth Rs. 7,72,000/-, and 384.61 grams of gold jewelry valued at Rs. 5,81, 770/-, household articles, and electronic gadgets worth Rs. 1,75,770/-, as well as Rs. 44,500/- in cash, were also found. Prima facie it is revealed that Sri K.Murali Krishna is in possession of disproportionate assets tentatively worth Rs.70,83,140/-. Notice was served on the accused officer under section 41-A Cr.P.C on 22.10.2016. Investigation is under process.

2. Whereas, the DG,ACB has also stated that during the course of investigation it has been found that the Sri Koruprolu Murali Krishna, S/o Manikyam acquired assets worth Rs.l,02,97,140/-, his probable income comes to Rs.75,65,000/- and his probable expenditure comes to Rs.34,67,000/-. Thus, the AO's likely savings is Rs.40,98,000/-. As such, the Accused Officer is found to have acquired disproportionate assets to the extent of Rs.61,99,140/- (Assets - Likely Savings) which he could not satisfactorily account for. The disproportionate assets are 81.94% of his total income. In the said preliminary report, the DG,ACB, in his finding and recommendations, has stated that, there is prima facie case against Sri Koruprolu Muralli Krishna, Former Dy.Commercial Tax Officer, (DCTO-III), Kavali Circle, O/o CTO, Kavali, SPSR Nellore District for acquisition and possession of Disproportionate Assets worth Rs.61,99,140/- through corrupt means punishable under section 13(2) r/w 13(1) (e) of P.C.Act, 1988.

3. And whereas, in the reference 2nd read above, based on the report of the DG ACB, Vijayawada Government authorized the investigating officer of ACB for filing application in the Court of the special Judge for Special Police Establishment & Anti Corporation Bureau cases Nellore for attachment of properties worth of Rs.l,00,76,870 under section 3 of the Criminal Law (Amendment) Ordinance of 1944.

4. Whereas, in the reference 3rd read above, the Director General, Anti Corruption Bureau, AP, Vijayawada, after completion of investigation, has furnished final report and stated that:

> "As per the Investigation, the Accused Officer Sri Koruprolu Murali Krishna,S/o Manikyam, Former Dy. Commercial Tax Officer (DCTO-III),

SPSR Nellore District has assets to the tune of Rs. 4,87,346-00 which are disproportionate to the known source of his income. The percentage of the AO's disproportionate assets is 5.49%. As per Memo No. 1444/SCD/1990-1, dated 17.01.1991 of GAD (SCD) Department, if the DA against the AO is below 10%, further action is to be dropped against the AO/ Government servant. Further, as per Govt. Memo No.623/SPL.C/2008-2 of General Administration (SPL.C) Dept., Dt. 15.10.2008, wherein the margin of 10% the total income of the AO/ Government Servant was enhanced to 20% while computing disproportionate of assets. Hence, further action may be dropped against the AO as the DA against the AO is 5.49% i.e., less than 20% as per the above Govt. Memo, no action is required.

The AO being a public servant had failed to obtain prior permission for purchasing the excess land covered by Doc. No. 6186/2016 on 07-10-2016 for Rs. 4,54,000-00 vide Item No. 7 of Assets Annexure and obtained registered sale deed by paying an excess amount of consideration. The AO also failed to obtain permission to attend to the renovation work of the Semi- finished Building covered by Item No. 3 of Asset. Hence, it is recommended to initiate Departmental Action against him for violation of Rule 9(1) and (2) of AP Civil Services (Conduct) Rules 1964.

The AO being a public servant had failed to submit annual property returns to the competent authority except for the years 2011, 2013, 2014, 2015 and 2016. Hence, it is recommended to initiate Departmental Action against him for violation of Rule 9(7) of AP Civil Services (Conduct) Rules 1964".

5. Government after careful examination of the matter, have decided to drop further action against Sri Koruprolu Murali Krishna, S/o Manikyam, then DCTO.III, Kavali Circle and In-charge CTO, Kavali Circle, Nellore Division, SPSR Nellore District in the disproportionate assets case (i.e., criminal case) since the DG, ACB has not recommended any prosecution against the A.O., and to continue the departmental action against the A.O for violation of Conduct Rules.

6. Accordingly, Government, hereby drop further action against Sri Koruprolu Murali Krishna, S/o Manikyam, DCTO.III, then Kavali Circle and In-charge CTO, Kavali Circle, Nellore Division, SPSR Nellore District in the disproportionate assets case (ie., the Criminal Case) filed against him in Crime No. 12/RCA-ACB- NLR/2016, without prejudice to the Departmental proceedings against him, and decided to initiate departmental action against the A.O, under Rule 20 of APCS (CCA) Rules, 1991, for violation of rule 9 (1), 9(2) and 9 (7) of A.P., Civil Services (Conduct) Rules 1964.

7. The Director General, Anti-Corruption Bureau, A.P, Vijayawada and the Chief Commissioner of the State Tax, Kunchanapalli, Guntur are requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N GULZAR
SECRETARY TO GOVERNMENT

To
The Director General, Anti-Corruption Bureau, A.P, Vijayawada.
The Chief Commissioner of the State Tax, Kunchanapalli, Guntur.
Copy to:
The Secretary to A.P. Vigilance Commission, Velagapudi.
SF/SC.

//FORWARDED::BY::ORDER//

SECTION OFFICER